

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
CASE NO. 5:19-MC-00028-D**

FORTITUDE FINANCIAL INVESTMENTS, INC., Plaintiff,)	MILONE & MACBROOM, INC.'S MOTION TO EXTEND TIME TO FILE OPPOSITION TO INTERVENOR'S MOTION FOR RELIEF AND RESPONSE IN OPPOSITION TO INTERVENOR'S MOTION TO STRIKE
v.)	
LSTAR MANAGEMENT, LLC Defendants.)	

NOW COMES Milone & MacBroom, Inc. (“M&M”), an interested party in this action, and pursuant to Fed. R. Civ. P. Rule 6(b)(1)(B) and Local Rule 7.1, hereby files its *Motion to Extend Time to file its Opposition to Intervenors' Sherry K. Corkum's and Nichols Street, LLC's Motion for Relief from Order Approving Settlement Agreements and Response in Opposition to Sherry K. Corkum's and Nichols Street, LLC's Motion to Strike* (collectively “Motion to Extend Time”). In support of its Motion to Extend Time, M&M shows to the Court as follows:

1. M&M is a judgment creditor of Kyle V. Corkum (“Kyle Corkum”), Landquest Legacy of North Carolina, LLC (“LL”) and numerous other entities affiliated with Kyle Corkum. [Document Entry Number 52, hereinafter “DE __”].
2. On December 20, 2021, the Court entered an *Order Granting Receiver's Motion to Approve Settlement and Release Agreements and Distributions* (“December 20th Distribution Order”). [DE 59].
3. On January 26, 2022, Sherry K. Corkum and Nichols Street, LLC (collectively “Sherry Corkum”) filed an *Ex Parte Motion to Intervene, Motion for Relief from Order Approving Settlement Agreements (DE-59) and Motion to Shorten Time* and related memorandum (“Motion to Intervene”) [DE 63, 64] along with *Sherry Corkum's First Declaration in Support of Her Ex Parte Motion to Intervene, Motion for Relief from Order Approving*

Settlement Agreements and Distributions (DE-59) and Motion to Shorten Time
("Declaration"). [DE 65].

4. On January 28, 2022, M&M filed a Limited Objection to the Motion to Intervene. [DE 68].
5. On January 28, 2022, Sherry Corkum filed a Reply to M&M's Limited Objection. [DE 70].
6. On February 16, 2022, M&M filed its Opposition to the Motion to Intervene ("M&M's February 2022 Opposition"). [DE 71].
7. On March 2, 2022, Sherry Corkum filed a Reply to M&M's February 2022 Opposition. [DE 73].
8. On September 8, 2022, the Court entered an Order allowing Sherry Corkum and Nichols Street, LLC's (collectively, "Intervenors") Motion to Intervene and ordered further briefing on Intervenors' request for relief pursuant to Federal Rule of Civil Procedure 60(b). [DE 78].
9. On October 7, 2022, Intervenors filed a *Motion for Relief from Order Approving Settlement Agreements* and related memorandum (collectively "Motion for Relief"). [DE 79, 80].
10. On November 3, 2022, M&M filed its Opposition to Motion for Relief. [DE 83].
11. On November 10, 2022, Intervenors filed a Motion to Strike M&M's Opposition to Motion for Relief based solely on the date it was filed and without articulating any prejudice to Intervenors because of the delay or that they would be unfairly prejudiced if their Motion to Strike were denied. [DE 84].
12. Based on the specific factual and procedural history of this case as it applies to M&M, Kyle Corkum, and Intervenors and pursuant to Fed. R. Civ. P. 6(b)(1)(B), good cause exists for this Court to retroactively extend the deadline for M&M to file M&M's Opposition to Motion for Relief, which was filed on November 3, 2022 [DE 83], and deny Intervenors' Motion to Strike [DE 84]. M&M's delay in filing its Opposition to the Motion for Relief was

inadvertent and the result of a calendaring error.

13. For the reasons set forth herein and in its accompanying memorandum of law, M&M respectfully requests that this Court enter an Order retroactively extending the deadline for M&M to file its Opposition to Motion for Relief, which was filed on November 3, 2022 [DE 83], and deny Intervenors' Motion to Strike [DE 84].

14. A proposed order granting the relief sought herein is attached as **Exhibit A**.

WHEREFORE, M&M respectfully requests that this Court enter an Order extending the deadline for M&M to file its Opposition to Motion for Relief [DE 83] to November 3, 2022 and deem its Opposition to Motion for Relief as timely filed, and deny Intervenors' Motion to Strike, and any further relief that this Court deems just and proper.

Respectfully submitted on this the 1st day of December, 2022.

/s/ Byron L. Saintsing
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CERTIFICATE OF SERVICE

I hereby certify that I caused a copy of the foregoing document to be filed electronically through CM/ECF and thus to be served by electronic notification on those parties properly registered for electronic service through this Court's CM/ECF system, including the following:

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This the 1st day of December, 2022.

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